

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X **Case No. 18-CV-11756 (GBD) (DCF)**
GENEVA AIKEN,

Plaintiff,

- against -

PROPOSED
JOINT PRETRIAL ORDER

MTA NEW YORK CITY TRANSIT, DONALD
HOUSTON, *In His Individual and Official Capacities*,
PHAKESHIA MURPHY, *In Her Individual and*
Official Capacities, ALFRED CAMINERO, *In His*
Individual and Official Capacities,

Defendants.

-----X

The parties having conferred among themselves and with the Court pursuant to Federal Rule of Civil Procedure 16, and pursuant to this Court's Individual Motion Practices and Rules V(A), the following statements, directions, and agreements are adopted as the Pretrial Order herein.

1. Full Caption of the Action

See above.

2. Trial Counsel Contact Information

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3. Subject Matter Jurisdiction

Plaintiff's Statement:

This Court has subject matter jurisdiction over Plaintiff's federal law claims pursuant to 28 U.S.C. § 1331, particularly 42 U.S.C. §§ 2000e *et seq.* and 42 U.S.C. § 1983. In addition, this Court has subject matter jurisdiction over Plaintiff's State and City law claims pursuant to 28 U.S.C. § 1367, particularly New York State Executive Law §§296, *et seq.* and N.Y.C. Admin. Code § 8-107 *et seq.*

Defendants' Statement:

Defendants do not dispute that, if the allegations of the Amended Complaint are in fact true, there is subject matter jurisdiction in this Court for plaintiff's claims under 42 U.S.C. § 2000e *et seq.* ("Title VII") and supplemental jurisdiction for plaintiff's claims under the New York State Human Rights Law ("NYSHRL"), N.Y. Exec. L. § 290 *et seq.*, and the New York City Human Rights Law ("NYCHRL"), N.Y.C. Admin. Code § 80101 *et seq.*

4. Summary of Claims and Defenses

Plaintiff's Claims:

Plaintiff alleged a hostile work environment under Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) ("Title VII"), 42 U.S.C. § 1983; the New York State Human Rights Law, New York State Executive Law § 296, *et seq.* ("NYSHRL"), and the New York City Human Rights Law, New York City Administrative Code § 8-107, *et seq.* ("NYCHRL"), which was alleged to be created by her supervisor Defendants, Donald Houston, Phakeshia Murphy, and Alfred Caminero, based on religion and need for religious accommodations. Plaintiff filed multiple requests for a religious accommodation, which were continuously ignored. MTA Defendants eventually retaliated against Plaintiff for requesting the accommodations, rather than self-accommodating her needs. Plaintiff asserts that Defendant MTA is liable for the hostile work environment because her complaints were futile at Defendant MTA and that Defendant MTA, its managers, and Human Resources did not adhere to its EEO policies.

Plaintiff's remaining claims are: **(1)** Discriminatory Demotion under Title VII against the MTA; **(2)** Discriminatory Demotion under the NYSHRL against the Defendant MTA and Defendant Caminero (including director actor liability and aider-and-abettor liability); **(3)** Discriminatory Demotion under the NYCHRL against the Defendant MTA and Defendant

Caminero (including director actor liability and aider-and-abettor liability); and **(4)** Hostile Work Environment, Discrimination, and Retaliation against Defendants, MTA, Caminero, Murphy, and Houston, under the NYCHRL.

Defendants' Defenses:

The undisputed facts demonstrate there was no discrimination or retaliation against Plaintiff. Notably, the sole adverse employment action to which Plaintiff was subjected – her demotion from a probationary position in which she did not perform satisfactorily to the position she previously had – was caused solely by her inability to fulfill the job responsibilities of her probationary position. Plaintiff's requests for religious accommodations were granted without question or issue throughout her employment, both during her tenure as a Bus Operator and also during her employment as a probationary Surface Line Dispatcher.

Plaintiff will be unable to satisfy her burden to show unlawful discrimination was the cause of any alleged retaliatory action. Plaintiff was demoted because of poor work performance before she ever complained about alleged discrimination.

The Amended Complaint alleges – in conclusory fashion only – that Plaintiff was subjected to a hostile work environment. There is no factual allegation, much less evidence, however, of a hostile work environment, apart from Plaintiff's unsubstantiated allegations of a few isolated remarks. Such isolated remarks, even if true, cannot constitute a hostile work environment.

To the extent Plaintiff appears to seek to proceed on claims as to which Defendants have already been awarded summary judgment, those claims are barred. As recommended by Magistrate Judge Freeman and as ordered by this Court, the claims that have survived for trial are only:

1. Under Title VII, the claim against the MTA for discriminatory demotion;

2. Under the NYSHRL, the claim against the MTA and defendant Alfred Caminero, both individually and as aider and abettor, for discriminatory demotion;
3. Under the NYCHRL, the claims against the MTA and Caminero for discriminatory demotion and retaliatory demotion; and
4. Under the NYCHRL, the claims against all defendants for a hostile work environment, discrimination and retaliation based on the alleged coercive and/or threatening comments allegedly made by defendants Murphy, Houston and Caminero regarding Plaintiff's requests for a religious accommodation.

5. Jury and Length of Trial

The case is to be tried before a jury. Assuming plaintiff's witness list is substantially reduced, the estimated total length of the trial is expected to be 4-5 trial days.

6. Magistrate Judge

The parties do not consent to trial of the case by a Magistrate Judge.

7. The Parties' Stipulations of Fact and Law

1. Plaintiff is a Christian and/or a Baptist.
2. As a Baptist, Plaintiff observes the Sabbath on Sundays.
3. As a Baptist, Plaintiff attends church on Sundays.
4. Plaintiff submitted letters from her church to NYCTA Defendants about her need to have Sundays off.
5. Plaintiff requested a religious accommodation and to be accommodated by NYCTA Defendants.
6. Plaintiff initially began her employment with NYCTA Defendants as a Bus Operator and held that position for 6 years.
7. Plaintiff took the test to become a Probationary Surface Line Dispatcher ("SLD") and passed.

On or about December 8, 2016, Plaintiff was made a Probationary SSLD and was assigned to the West Farm Depot facility in the Bronx.

8. On January 16, 2018, Plaintiff made a complaint to MTA/NYCTA'S EEO Department following her demotion from the probationary SLD position back to the Bus Operator position.
9. Plaintiff made a complaint to Veronique Hakim on January 15, 2018 regarding alleged "harassment."
10. On August 23, 2018, Plaintiff submitted to the New York State Division of Human Rights a Charge of Discrimination against the MTA/NYCTA, alleging that she was "discriminated and retaliated against due to [her] religion."
11. MTA/NYCTA'S EEO representative, Jacob Goins was assigned to investigate Plaintiff's complaint.

8. Witness Lists with Summary of Testimony

Plaintiffs' Witnesses

1. Plaintiff Geneva Aiken, represented by PHILLIPS & ASSOCIATES, Attorneys at Law, PLLC, 45 Broadway, Suite 430, New York, New York 10006. Plaintiff will testify to the discrimination, hostile work environment, and the constructive discharge from her employment, as well as the damages stemming from same.
2. Defendant Alfred Caminero, represented by Schoeman Updike Kaufman & Gerber LLP, 551 Fifth Avenue, New York, New York 10176. Defendant CAMINERO will testify to his conduct against Plaintiff.
3. Defendant Donald Houston, represented by Schoeman Updike Kaufman & Gerber LLP, 551 Fifth Avenue, New York, New York 10176. Defendant HOUSTON will testify to his conduct against Plaintiff.
4. Defendant Phakeshia Murphy, represented by Schoeman Updike Kaufman & Gerber LLP, 551 Fifth Avenue, New York, New York 10176. Defendant MURPHY will testify to her conduct against Plaintiff.
5. John P. Dhuman, Deputy General Manager, represented by Schoeman Updike Kaufman & Gerber LLP, 551 Fifth Avenue, New York, New York 10176. Mr. Dhuman can testify to Plaintiff's accommodation requests, as well as the discrimination, retaliation, and hostile work environment endured by Plaintiff.
6. Emilio Reyes, Mr. Reyes can testify to Plaintiff's accommodation requests, as well as the discrimination, retaliation, and hostile work environment endured by Plaintiff.

7. Amadu Haruna, Mr./Ms. Haruna can testify to Plaintiff's accommodation requests, as well as the discrimination, retaliation, and hostile work environment endured by Plaintiff.
8. Patrick Bambury, Mr. Bambury can testify to Plaintiff's accommodation requests, as well as the discrimination, retaliation, and hostile work environment endured by Plaintiff.
9. Antonio Seda, Assistant Vice President of EEO Investigations, represented by Schoeman Updike Kaufman & Gerber LLP, 551 Fifth Avenue, New York, New York 10176. Mr. Seda can testify as to the investigation process into Plaintiff's complaints.
10. Jacob A. Goins, NYCTA'S EEO Officer, represented by [unknown at this time]. Mr. Goins can testify as to the investigation process into Plaintiff's complaints.
11. Alexander T. Linzer, NYCTA'S EEO Director for EEO Investigations, represented by [unknown at this time]. Mr. Linzer can testify as to the investigation process into Plaintiff's complaints.
12. Cathy Gonzalez, Investigator, represented by [unknown at this time]. Ms. Gonzalez can testify to Plaintiff's religious accommodation requests.
13. Danielle Brogan, Director, Collective Bargaining, Office of Labor Relations, New York City Transit, represented by Schoeman Updike Kaufman & Gerber LLP, 551 Fifth Avenue, New York, New York 10176. Ms. Brogan can testify to Plaintiff's religious accommodation requests.
14. Michael Lawson, TSO, represented by [unknown at this time] . Mr. Lawson can testify to the end of Plaintiff's employment.
15. Robert Bruno, General Manager Bronx Division, represented by Schoeman Updike Kaufman & Gerber LLP, 551 Fifth Avenue, New York, New York 10176. Mr. Bruno can testify to the end of Plaintiff's employment.
16. Thomas Burke, General Superintendent, MTA/MABSTOA, represented by Schoeman Updike Kaufman & Gerber LLP, 551 Fifth Avenue, New York, New York 10176.. Mr. Burke was present and can testify about Plaintiff's alleged disciplinary issues, Plaintiff's demotion, meeting held with Plaintiff and Defendant Caminero regarding demotion, Plaintiff's claims of discrimination and Plaintiff's ongoing complaints to the MTA about discrimination, hostile work environment and retaliation.

17. John McGahern, served as the General Superintendent at M.J. Quill Bus Depot in the year 2016 and addressed Plaintiff's previous religious accommodation request while a Bus Operator.
18. MTA, Arlene Benjamin, represented by Schoeman Updike Kaufman & Gerber LLP, 551 Fifth Avenue, New York, New York 10176. Ms. Benjamin can testify to Plaintiff's discrimination, harassment, and hostile work environment, particularly with the religious accommodation requests.
19. SLD Joselito Valentine, represented by [unknown at this time]. Ms. Valentine can testify to Plaintiff's discrimination, harassment, and hostile work environment.
20. BO Stewart, represented by [unknown at this time?]. Mr. Stewart can testify to Plaintiff's discrimination, harassment, and hostile work environment.
21. BO (First Name Unknown) Maldonado, represented by [unknown at this time]. Mr. Maldonado can testify to Plaintiff's discrimination, harassment, and hostile work environment.
22. BO Ochere (Last Name Unknown), represented by [unknown at this time]. Mr. Ochere can testify to Plaintiff's discrimination, harassment, and hostile work environment.
23. Latonya Crisp-Sauray, Recording Secretary TWU Local 100, represented by Schoeman Updike Kaufman & Gerber LLP, 551 Fifth Avenue, New York, New York 10176. Ms. Crisp-Sauray can testify to Plaintiff's complaints about failure to provide religious accommodations.
24. Terrance ("Terry") Raines, Plaintiff AIKEN's Friend. Mr. Raines will testify to Plaintiff's emotional distress, efforts to mitigate and hardships faced following her departure from the MTA.
25. Dr. Jacques Jospitre, Jr. SohoMD, The Art of Health, 110 Lafayette Street, 5th Floor, New York, New York 10013. Dr. Jospitre can testify to Plaintiff's emotional distress and/or medical condition(s) as a result of MTA Defendants' discriminatory and retaliatory conduct.
26. Mumin Mushtaq Ahmed Hakim, M.D., Jacobi Medical Center, 1400 Pelham Parkway South, Bronx, New York 10461. Dr. Hakim can testify to Plaintiff's emotional distress and/or medical condition(s) as a result of MTA Defendants' discriminatory and retaliatory conduct.
27. Robert Harley, formerly with Occupational Health Services (MAC)/New York City Transit/New York City Transit, Occupational Health Services, MAC1, 177 Livingston Street, 4th Floor, Suite B, Brooklyn, New York 11201. Representation

is unknown at this time. Mr. Harley can testify to Plaintiff's emotional distress and/or medical condition(s) as a result of MTA Defendants' discriminatory and retaliatory conduct.

28. Any Other Medical Providers from Occupational Health Services (MAC)/New York City Transit/New York City Transit, Occupational Health Services, MAC1, 177 Livingston Street, 4th Floor, Suite B, Brooklyn, New York 11201. Medical Providers can testify to Plaintiff's emotional distress and/or medical condition(s) as a result of MTA Defendants' discriminatory and retaliatory conduct.
29. Alexandra Ubilla, New York-Presbyterian, Brooklyn Methodist Hospital, 506 6th Street, Brooklyn, New York 11215. Dr. Ubilla can testify to Plaintiff's emotional distress and/or medical condition(s) as a result of MTA Defendants' discriminatory and retaliatory conduct.
30. Silvia Cardenas, New York-Presbyterian, Brooklyn Methodist Hospital, 506 6th Street, Brooklyn, New York 11215. Dr. Cardenas can testify to Plaintiff's emotional distress and/or medical condition(s) as a result of MTA Defendants' discriminatory and retaliatory conduct.
31. Dr. Chaie, New York-Presbyterian, Brooklyn Methodist Hospital, 506 6th Street, Brooklyn, New York 11215. Dr. Chaie can testify to Plaintiff's emotional distress and/or medical condition(s) as a result of MTA Defendants' discriminatory and retaliatory conduct.
32. Michael Foley, New York-Presbyterian, Brooklyn Methodist Hospital, 506 6th Street, Brooklyn, New York 11215. Dr. Foley can testify to Plaintiff's emotional distress and/or medical condition(s) as a result of MTA Defendants' discriminatory and retaliatory conduct.
33. Jean Guy Elie, Brooklyn Medical Care Practice, P.C., 765 Nostrand Avenue, Brooklyn, New York 11216. Dr. Elie can testify to Plaintiff's emotional distress and/or medical condition(s) as a result of MTA Defendants' discriminatory and retaliatory conduct.
34. Perry A. Frankel, Cardiologist, 401 Lakeville Road, Suite 209, New Hyde Park, NY 11040. Dr. Frankel can testify to Plaintiff's emotional distress and/or medical condition(s) as a result of MTA Defendants' discriminatory and retaliatory conduct.

Plaintiff reserves the right to call his witnesses in any order, as well as to call any witness on Defendants' witness list to the extent they have relevant or otherwise admissible testimony. Plaintiff reserves the right not to call any witness listed above. Plaintiff further reserves his right to call any witness, pursuant to the Federal Rules of Evidence, to rebut or otherwise impeach testimony given by any witness in this trial.

Defendants' Witnesses

Defendants reserve their right to call additional witnesses to rebut Plaintiff's evidence or not to call some of the witnesses on the below list; to call additional witnesses depending upon the Court's pretrial rulings; and to call any of the below witnesses as well as any witness on Plaintiff's witness list, whether called by Plaintiff or not. Defendants further reserve the right to respond through documentary evidence or testimony to any new evidence offered by Plaintiff.

1. Geneva Aiken
2. Alfredo Caminero
3. Donald Houston
4. Phakeshia Murphy
5. Representative from EEO Office

9. Deposition Designations

Plaintiff's Deposition Designations

Plaintiff does not anticipate using any deposition testimony or designations other than for rebuttal and/or impeachment purposes, or in the event any of Plaintiff's witnesses are deemed to be unavailable at the time of trial pursuant to Fed. R. Civ. P. 32(a)(4).

Defendants' Deposition Designations

Testimony from Plaintiff Geneva Aiken: 12:9-11, 21:9-29:14, 40:7-15, 43:9-13, 40:18-42:21, 42:7-9, 43:20-44:22, 44:23-45:4, 46:2-47:8; 57:2-6, 63:13-17, 65:24-66:8, 71:24-72:2, 74:18-75:24, 106:10-107:7, 79:18-24, 75:8-76:18, 180:25-182:17.

10. Exhibit Lists

Plaintiff's Exhibits

It appears that Plaintiff's Exhibits contain several duplicates, and also several exhibits that would be inadmissible given the scope of this trial as Defendants understand it. Given the apparent disagreement as to the scope of the trial, Defendants have noted that they reserve their rights to object to any exhibit should it be beyond the scope of this trial.

Exhibit No.	Document Description	Objection to Authenticity	Objection to Admissibility
1	Aiken's G2 to Houston, AIKEN 000006 – 000008, AIKEN CONFIDENTIAL 000151, 000152-000153		Relevance (scope of trial) objection reserved
2	Email RE Three Month Evaluation, AIKEN 000009		
3	Aiken's Cash Out Sick Days Memo, AIKEN 000010		Relevance (scope of trial) objection reserved
4	Email RE Evaluations on a Fair Chance, AIKEN 000012		Relevance (scope of trial) objection reserved
5	Email RE Three Month Evaluation, AIKEN CONFIDENTIAL 000015		Relevance (scope of trial) objection reserved
6	Aiken's Resume, AIKEN CONFIDENTIAL 000234 - 000235		
7	Aiken's Complaint to Affirmative Action Office, AIKEN CONFIDENTIAL 000416 – 000418		
8	Counseling Logs for Aiken, NYCTA000001, 000027		
9	Probationary Report, NYCTA000002 - 000004		
10	Aiken's Counseling Memo, NYCTA000005		
11	Aiken's Write-Up, NYCTA000006		
12	Transport Worker's Union's Policy & Procedure, NYCTA000007		Irrelevant to any issues to be tried
13	Aiken's Record Employee Absences, NYCTA000008		
14	Transcript of Record, NYCTA000009 - 000013		
15	NYCTA'S Red Book, NYCTA000014 – 000015		Irrelevant to any issues to be tried
16	Aiken's Counseling Memo, NYCTA000016 – 000017		

17	Aiken's Counseling Memo, NYCTA000018		
18	Aiken's Counseling Memo, NYCTA000019		
19	Audit Activity, NYCTA000020 - 000021		Irrelevant to any issues to be tried
20	Aiken's Counseling Memo, NYCTA000022		
21	Aiken's Leave of Absence, NYCTA000024		
22	Aiken's Leave of Absence, NYCTA000025		
23	Aiken's Counseling Memo, NYCTA000027		
24	NYCTA'S Red Book, NYCTA000028 – 000030		Irrelevant to any issues to be tried
25	Supervisor's Accident/Crime Investigation Report, NYCTA000031 - 000034		
26	Memo, Statement from Caminero RE Incident on 1/15/2018, NYCTA000035		
27	Memo RE Recommendation for Extension or Probation of Aiken, NYCTA000036		
28	Aiken's Probationary Report, NYCTA000037 – 000039		
29	Aiken's Counseling Memo, NYCTA000040		
30	Memo RE Extension of Aiken's Probation, NYCTA000041		
31	Memo RE Extension of Aiken's Probation, NYCTA000042		
32	Memo RE Recommendation to Extend Aiken's Probationary Period, NYCTA000043		
33	December 2017 Church Letter, NYCTA000044		
34	Email RE Authorized Personnel, NYCTA000045		Relevance (scope of trial) objection reserved
35	Aiken's Sick & Personal Action Records, NYCTA000046 - 000047		
36	Aiken's Counseling Memo, NYCTA000048		
37	Memo RE Extension of Aiken's Probation, NYCTA000049		
38	Memo RE Extension of Aiken's Probation, NYCTA000050		
39	Aiken's Dispatcher Post Check, NYCTA000051 – 000056		Relevance (scope of trial) objection reserved
40	Depot Control Log, NYCTA000057 - 000060		
41	Memo RE Sabbath Observance Request for Aiken, NYCTA000061		

42	January 2017 Church Letter, NYCTA000062		
43	July 2017 Church Letter, NYCTA000063		
44	Transcript of Record, NYCTA000064		
45	Aiken's Probationary Bus Operator Counseling Statement, NYCTA000065		
46	Aiken's Sick & Personal Action Records, NYCTA000066		
47	Aiken's Appointment/Payroll Notice, NYCTA000067, NYCTA000068		Relevance (scope of trial) objection reserved
48	Aiken's Driving Abstract, NYCTA000069 – 000070		
49	Application Access Request Form for Aiken, NYCTA000071 - 000072		Relevance (scope of trial) objection reserved
50	Email RE I-Vault Request Notification, NYCTA000073		Relevance (scope of trial) objection reserved
51	Drop Notice RE Aiken's Promotion, NYCTA000074		
52	Aiken's DBO UTS/EIS Database Access Request Form, NCYTA000075		Relevance (scope of trial) objection reserved
53	Aiken's FEMA Certificates, NYCTA000076 – 000077		Relevance (scope of trial) objection reserved
54	Aiken's Acknowledgement & Receipt of Understanding, NYCTA000078		Relevance (scope of trial) objection reserved
55	Aiken's Dispatcher Badge Replacement/Turn In Form, NCYTA000079		Relevance (scope of trial) objection reserved
56	Application Access Request Form for Aiken, NYCTA000080		Relevance (scope of trial) objection reserved
57	Information for Depot & Training Center, NYCTA000081		Relevance (scope of trial) objection

			reserved
58	Memo RE Reporting to Supervisor, NYCTA000082		Relevance (scope of trial) objection reserved
59	Aiken's Dual Employment/Outside Activity Form, NYCTA000083		Relevance (scope of trial) objection reserved
60	Acknowledgment RE Misuse of Patrol Autos, NYCTA000084		Relevance (scope of trial) objection reserved
61	Aiken's Application for Employee Parking Permit, NYCTA000085 - 000086		Relevance (scope of trial) objection reserved
62	Aiken's Counseling Memo, NYCTA000095		
63	July 2017 Church Letter, NYCTA000097		
64	July 2016 Church Letter, NYCTA000098		
65	Letter of Resignation, NYCTA000123		
66	Aiken's EEO Complaint, NYCTA000127 – 000128		Objection— cumulative (agreed it is admissible for date of submission)
67	Aiken's EEO Statement, NYCTA000129 – 000130, 000278 – 000279		Objection— cumulative
68	Aiken's Witness List, NYCTA000131 - 000132		Objection, relevance
69	Notice of Extended AWOL, NYCTA000141-000144		
70	Interview Notes, NYCTA000157 – 000160		Objection— relevance, ,hearsay (may be admissible as to scope of investigation)
71	Interview Notes, NYCTA000161 – 000162		Objection— relevance, hearsay (may be admissible as to scope of investigation)
72	Request for Leave of Absence, with or without		

	pay, NYCTA000236		
73	Memo RE Aiken's Sabbath Observance Request, NYCTA000246		
74	Email RE Hands-On Request, NYCTA000247		Relevance (scope of trial) objection reserved
75	2017 Religious Accommodation Approval, NYCTA000252		
76	Aiken's G2, NYCTA000261		
77	Murphy's Accident Report, NYCTA000266 - 000267		Relevance (scope of trial) objection reserved
78	Caminero's Accident Report, NYCTA000270		
79	Supervisor's Accident Report, NCYTA000271 - 000274		
80	Email RE Harassment, NYCTA 000275 – 000276		Objection—cumulative, hearsay. May be admissible for certain factual aspects
81	Email RE Hands On Request, NYCTA000280		Relevance (scope of trial) objection reserved
82	Email RE Crew, Yard, General Training, NYCTA000281		
83	Email RE Evaluation on Fair Chance, NYCTA000287		Relevance (scope of trial) objection reserved
84	Email RE No Knowledge of U/A on My Record, NYCTA000288		Relevance (scope of trial) objection reserved
85	Email RE Religious Observance Letter 2018, NYCTA000289		
86	Religious Accommodation Instructions, NYCTA000290 - 000291		
87	Email RE Harassment/Religious Observance, NYCTA000299 - 000300		
88	Email from Caminero RE Aiken's Religious Accommodation Request, NYCTA000306		
89	Email RE Aiken's Complaint of Harassment,		

	NYCTA000307		
90	Email from McGahren, NYCTA000330		
91	Email RE Evaluations on a Fair Chance, NYCTA000355 - 000361		Relevance (scope of trial) objection reserved
92	Memo from Aiken to Houston, NYCTA000362 - 000364		Relevance (scope of trial) objection reserved
93	Seda's Notice of Investigation, NYCTA000353 - 000354		
94	Email RE Evaluation on Fair Chance, NYCTA000355 - 000361		Relevance (scope of trial) objection reserved
95	Interview Notes, NYCTA000375 - 000376		Objection—relevance, hearsay (may be admissible as to scope of investigation)
96	Interview Notes, NYCTA000377 - 000387		Objection—relevance, hearsay (may be admissible as to scope of investigation)
97	Interview Notes, NYCTA000388 – 000393, 000396		Objection—relevance, hearsay (may be admissible as to scope of investigation)
98	Email RE Aiken's Complaint to Dhuman, NYCTA000394 - 000395		Relevance (scope of trial) objection reserved
99	Aiken's EEOC Witness List, NYCTA000406 – 000407		Objection—relevance
100	Aiken's EEOC Charge, NYCTA000423-000424		Objection—relevance
101	Aiken's Job Summary (Pay Info), NYCTA000447 - 000449		Relevance (scope of trial) objection reserved

102	Respectful Workplace Policy, NYCTA000680 - 000682		
103	Internal Complaint Procedures, NYCTA000683 - 000691		
104	EEO Policy, NYCTA000692 - 000695		
105	Disciplinary Grievance Procedure, NYCTA000949 - 000957		
106	Progressive Disciplinary Procedure, NYCTA001128 - 001131		
107	Procedure for Religious Accommodation, NCYTA001305 - 001306		
108	NYCTA'S EEO Policy, NYCTA001451 - 001454		
109	NYCTA'S Internal Discrimination Complaint Management, NYCTA001455 - 001467		
110	NYCTA's Sexual & Other Discriminatory Harassment, NYCTA001468 - 001477		
111	NYCTA'S Reasonable Accommodations for Job Applicants & Employees w/ a Disability, or a Pregnancy-Related Condition, NYCTA001478 - 001487		
112	Dr. Frankel's Medical Records, NYCTA001490-001491		
113	NY-Presbyterian's Medical Records, NYCTA001704-001731		
114	NY-Presbyterian's Medical Records, NYCTA001735-001738		
115	Religious Accommodations Instructions, NYCTA001801		
116	Religious Accommodations Policy, NYCTA001802 - 001805		
117	Caminero's List of Training, NYCTA002371 - 002375		Relevance (scope of trial) objection reserved
118	Houston's List of Training, NYCTA002376 - 002378		Relevance (scope of trial) objection reserved
119	Murphy's List of Training, NYCTA002471 - 002476		Relevance (scope of trial) objection reserved
120	Supervisor's Guide to Reasonable Accommodation of Religious Observance or Practices, NYCTA002476 - 002484		

121	Taking Control of the Road, Road Control Training Manual, Department of Buses, Training Division, NCYTA002502 - 002542		
122	Email RE Aiken Request for Religious Accommodation Approved, NYCTA002742		
123	Memo RE Aiken's Return West Farm, NYCTA003344 - 003345		
124	Email RE Aiken's Status of Demotion to Bus Operator, NYCTA003382		

Plaintiff reserves his right to supplement the Exhibit List and to offer additional documents in evidence-based on Defendants' presentation of evidence.

Defendants' Exhibits

Exhibit No.	Document Description	Objection to Authenticity	Objection to Admissibility
A	Plaintiff's Resume [Aiken 234-235]		Relevance (401,402); Best Evidence (901); Limited Purpose (105); Hearsay (801, 802)
B	Plaintiff's Job Detail Summary [NYCTA 447-449]		Relevance (401,402); Best Evidence (901); Limited Purpose (105); Hearsay (801, 802)
C	Copies of letters from the New Life Christian Center, dated January 4, 2016 and July 2, 2017 [NYCTA 62-63]		
D	Memorandum from Danielle Brogan to Amy Ramirez, dated April 28, 2014 [NYCTA 246]		Best Evidence (901); Limited Purpose (105); Hearsay (801, 802)
E	Excerpt from the February 22, 2019 deposition of Plaintiff in a New York State		Relevance (401,402); Best

	Supreme Court, Kings County action <i>Geneva Aiken v. The New York City Transit Authority</i> , Index No.: 105145/2010		Evidence (901); Limited Purpose (105); Hearsay (801, 802)
F	“Taking Control of the Road, Road Control Training Manual, “ from the Metropolitan Transportation Authority Department of Buses, dated September 4, 2015. [NYCTA 2502 – 2541]		Relevance (401,402); Best Evidence (901); Limited Purpose (105); Hearsay (801, 802)
G	Plaintiff’s Transcript of Record from the Metropolitan Transportation Authority, dated September 19, 2017. [NYCTA 9-13]		Relevance (401,402); Best Evidence (901); Limited Purpose (105); Hearsay (801, 802)
H	Probationary Report for all DISPATCHERS, dated April 5, 2017, July 7, 2017, September 25, 2017 and January 15, 2018. [NYCTA 2-4]		Relevance (401,402); Best Evidence (901); Limited Purpose (105); Hearsay (801, 802)
I	Copy of a Bronx Road Operations Dispatcher Post Check, dated June 7, 2017 [NYCTA 51]		Relevance (401,402); Best Evidence (901); Limited Purpose (105); Hearsay (801, 802)
J	Copy of a Bronx Road Operations Dispatcher Post Check, dated June 21, 2017 [NYCTA 52]		Relevance (401,402); Best Evidence (901); Limited Purpose (105); Hearsay (801, 802)
K	Copy of a statement given by Murphy to Caminero, dated June 3, 2017 [NYCTA 95]		Best Evidence (901); Limited Purpose (105); Hearsay (801, 802)
L	A copy of an e-mail from Caminero to Hillary		Best Evidence

	Tomlinson, copying Patrick Bambury, Emilio Reyes and Murphy, dated July 6, 2017. [NYCTA 306]		(901); Limited Purpose (105); Hearsay (801, 802)
M	A copy of the Religious Accommodation Policy and Procedure [NYCTA 1803-1805]		
N	Copy of the Procedures for Religious Accommodation, dated June 3, 1996. [NYCTA 1305-1306]		
O	Memo from Caminero to Patrick Bambury, dated September 25, 2017 [NYCTA 36]		Relevance (401,402); Best Evidence (901); Limited Purpose (105); Hearsay (801, 802)
P	Memo from Caminero to Patrick Bambury, dated September 25, 2017. [NYCTA 41]		Relevance (401,402); Best Evidence (901); Limited Purpose (105); Hearsay (801, 802)
Q	Memo from Caminero to Patrick Bambury, dated January 15, 2018. [NYCTA 1]		Relevance (401,402); Best Evidence (901); Limited Purpose (105); Hearsay (801, 802)
R	Statement from Caminero, dated January 15, 2018 [NYCTA 35]		Best Evidence (901); Limited Purpose (105); Hearsay (801, 802)
S	Copy of a Supervisor's Accident/Crime Investigation Report, dated January 15, 2018 [NYCTA 31-34]		Best Evidence (901); Limited Purpose (105); Hearsay (801, 802)
T	Copy of an e-mail from Plaintiff to Veronique Hakim, dated January 15, 2018 [NYCTA 307]		
U	Lists of courses completed by Houston, Caminero and Murphy. [NYCTA 2371-2378; 2471-2475]		Relevance (401,402); Best Evidence (901); Hearsay

			(801, 802)
V	Policies from the Office of Equal Employment Opportunity, dated February 16, 2010, November 28, 2007 , April 11, 2018 and January 17, 2019. [NYCTA 680-691; 1455-1487]		Relevance (401,402); Best Evidence (901); Limited Purpose (105); Hearsay (801, 802)
W	Letter from the General Superintendent of Support Services from the Michael J. Quill Depot to Plaintiff dated June 21, 2018 [NYCTA 141]		Relevance (401,402); Best Evidence (901); Limited Purpose (105); Hearsay (801, 802)
X	Letter from Plaintiff to MTA New York City Transit, MTA Business Service Center dated August 6, 2018 [NYCTA 123]		
Y	Copy of an email sent by Geneva Aiken to Emilio Reyes and Amadu Haruna, dated February 19, 2017 [NYCTA 281]		Relevance (401,402); Best Evidence (901); Limited Purpose (105); Hearsay (801, 802)
Z	Copy of email sent by Plaintiff to Donald Houston dated April 6, 2017 [Aiken 000015]		Relevance (401,402); Best Evidence (901); Limited Purpose (105); Hearsay (801, 802)

Defendants reserve the right to supplement the Exhibit List and to offer additional documents in evidence based on Plaintiff's presentation of evidence.

Dated: New York, New York
March 29, 2022

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SO ORDERED:

The Honorable George B. Daniels, U.S.D.J.